IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.1469 OF 2005

Gajanan Ramchandra Velhal ...Appellant
Vs.
Mahadev Devaba Bhosale & Ors. ...Respondents

Mr M.R. Suryawanshi for the Appellant.
None for the Respondents.

CORAM : A. S. OKA, J.
DATE : APRIL 04, 2006.

P.C.:

1. Heard the learned Counsel appearing for the Appellant. The Appellant is the original Plaintiff who has failed in both the courts below. The suit filed by the Appellant-Plaintiff was simplicitor for injunction. The Appellate Court has recorded a finding that in earlier proceedings under the Bombay Tenancy and Agricultural Lands Act, 1948 between the same parties, the Maharashtra Revenue Tribunal accepted that the Defendants were in possession of the suit land and the said order has been confirmed by this Court. That is the reason why both the courts have recorded a finding that the Defendants were in possession and therefore, suit simplicitor for injunction filed by the Plaintiff was not maintainable.

2. If this is the finding based on decision of this Court, no interference is called for in the Second Appeal. Second Appeal is dismissed with no orders as to costs.

JUDGE